



Marked Agendas

Approved Minutes

Approved Reports

**The November 4, 2020  
Board of Adjustment  
Meeting Agenda and  
Minutes can be found at:**

<https://www.scottsdaleaz.gov/boards/board-of-adjustment>

# BOARD OF ADJUSTMENT REPORT



Meeting Date: 11/4/2020

## ACTION

### Bratcher Shade Structure 13-BA-2020

#### Request to consider the following:

1. Request by owner for a variance to the City of Scottsdale Zoning Ordinance, 5.204.E.1.c. pertaining to the required front yard setback on a corner lot for a property with Single-Family Residential (R1-35) zoning located at 7220 E Sweetwater Ave.

## OWNER

David W Bratcher  
(402) 432-2169

## APPLICANT CONTACT

David W Bratcher  
(402) 432-2169

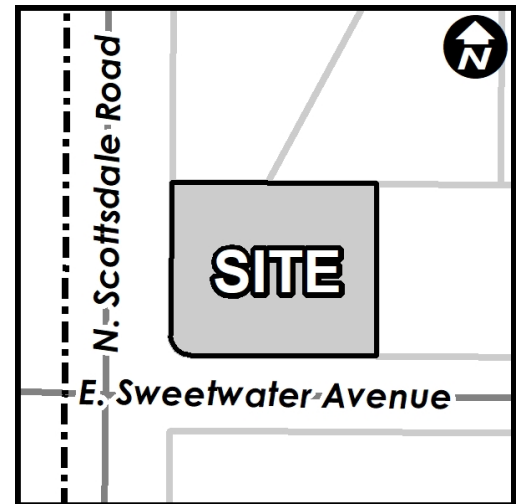
## LOCATION

7220 E Sweetwater Ave  
Scottsdale, Arizona 85260

## BACKGROUND

### History

The subject site was annexed into the City of Scottsdale in 1962 through Ordinance No. 165 and the City of Scottsdale R1-35 zoning was applied. The parcel is Lot 40 of the Sweetwater Street East subdivision which was platted and recorded with Maricopa County in April of 1977. The existing main structure on the site was permitted and constructed in 1977. Additional permits have been issued for work such as a pool barrier in 1996, a patio cover in 2011, a carport in 2013, and a garage in 2014.



### **Zoning/Development Context**

The subject site is zoned Single-family Residential (R1-35) and is located at the intersection of North Scottsdale Road and East Sweetwater Avenue. It is surrounded primarily by single-family detached homes as well as the Jewish Community Campus across the street and other school and commercial uses nearby.

### **Zoning Ordinance Requirements**

Pursuant to Section 5.204.E.1.c. of the City of Scottsdale Zoning Ordinance, pertaining to the required front yard setback: each lot shall have a front yard with a minimum depth of forty (40) feet. On a corner lot, the required front yard of forty (40) feet shall be provided on each street.

*The applicant is requesting a variance of twenty (20) feet, which would reduce the required front setback on this parcel from forty (40) feet to twenty (20) feet.*

### **Code Enforcement Activity**

In March of this year, the property owner was informed by Code Enforcement that the shade structure may be violating setback requirements. No citations were issued.

### **Community Input**

City of Scottsdale hearing postcards were sent to property owners within 750 feet of the subject site. One public inquiry about the variance request has been received as of the writing of this report.

### **Discussion**

The applicant has constructed a carport accessed from East Sweetwater Avenue. The carport is adjacent to an existing detached garage structure that is located near the N. Scottsdale Road frontage. The existing garage structure complies with the required forty (40) foot setback, however, the carport encroaches into the setback. The applicant is requesting a variance of twenty (20) feet to allow the existing carport to remain twenty (20) feet from the west property line facing North Scottsdale Road. The required front yard setback on corner lots is forty (40) feet in the R1-35 zoning district.

## **VARIANCE CRITERIA ANALYSIS**

---

- 1. That because of special circumstances applicable to the property including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district:**

#### Applicant Statement:

The applicant states the carport does not interfere with traffic sight movement and the carport is covered by a fence and trees.



Staff Analysis:

The R1-35 zoning district has a minimum lot size of 35,000 square feet. The subject property is 35,093 square feet and is similar in size, shape, topography, and location to other properties in the Sweetwater Street East subdivision. The RV carport could be constructed at other locations within the building envelope as long as it meets the development standards including setbacks and the minimum distance between buildings required of 10 feet.

- 2. That the authorization of the variance is necessary for the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district, and does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located:**

Applicant Statement:

The applicant states several properties on the surrounding street all have constructed carports.

Staff Analysis:

The authorization of the variance would allow an RV carport to be located within the front setback on North Scottsdale Road. Other properties in the same zoning district and neighborhood must comply with the R1-35 development standards. The RV carport could be located elsewhere on the property without a variance.

- 3. That the special circumstances applicable to the property were not self-imposed or created by the owner or applicant:**

Applicant Statement:

The applicant states the carport was constructed by a licensed contractor without a permit and was authorized by the owner. If a permit is required, the applicant is willing to submit all required paperwork.

Staff Analysis:

The RV carport was constructed without approval or a building permit from the City of Scottsdale. If plans had been submitted for review, the property owner would have been notified that the plans didn't conform to the R1-35 development standards. The R1-35 zoning district has a minimum lot size of 35,000 square feet. The subject property is 35,093 square feet and is similar in size, shape, topography, and location to other properties in the Sweetwater Street East subdivision.

- 4. That authorization of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general:**

Applicant Statement:

The applicant states the carport does not interfere with persons working and residing in the vicinity.

Staff Analysis:

The RV carport may not be materially detrimental to neighbors or the public in general, however, may be visually obtrusive to drivers on N. Scottsdale Road.

## **SUMMARY**

---

Based on the facts presented by the applicant, the evidence would support a finding that the property may not have special circumstances that would warrant relief from the strict application of the Zoning Ordinance requirements. The size, shape, topography or configuration of the property is not unique and applicable. The applicant's proposed variance may not be detrimental to persons residing or working in the surrounding neighborhood. However, the decision about whether the criteria have been met is for the Board to make after hearing all the evidence at the hearing.

**APPROVED BY**

---



Desirae Mayo, Report Author  
480-312-4218, dmayo@scottsdaleaz.gov

10/15/2020

Date



Bryan Cluff, Board of Adjustment Liaison  
480-312-2258, bcluff@scottsdaleaz.gov

10/16/2020

Date



Tim Curtis, AICP, Current Planning Director  
480-312-4210, tcurtis@scottsdaleaz.gov

10/16/2020

Date



Randy Grant, Planning and Development  
Executive Director  
480-312-2654, rgrant@scottsdaleaz.gov

10/19/20

Date

**ATTACHMENTS**

---

1. Project Description
2. Justification
3. Context Aerial
4. Aerial Close-Up
5. Zoning Map
6. 2020 Aerial Showing RV Carport
7. Site Photographs
8. Proposed Site Plan
9. Public Comment Letter

DAVID BRATCHER  
13-BA-2020  
KEY CODE 184A2

SEPTEMBER 14, 2020

TO THE BOARD OF ADJUSTMENTS

APPLICATION NARRATIVE

TO WHOM IT MAY CONCERN,

PLEASE ACCEPT THIS WRITTEN NARRATIVE DOCUMENT OUTLINING MY REQUEST TO RECEIVE A VARIANCE FOR A CARPORT ASSEMBLED ON MY PROPERTY IN THE YEAR 2020, LOCATED AT 7220 EAST SWEETWATER AVE, SCOTTSDALE ARIZONA 85260.

ON MARCH 27, 2020 I WAS VISITED AT MY PROPERTY BY CITY OF SCOTTSDALE INSPECTOR DARO VRACEVIC, REGARDING THE CARPORT I RECENTLY ASSEMBLED ON MY PROPERTY NEXT TO MY GARAGE. MR. VRACEVIC WAS VERY CORDIAL AND INFORMED ME THAT THERE MIGHT BE A SET BACK PROBLEM WHERE I PLACED THE CARPORT. I INFORM HIM THAT I HAD SENT IN PLANS TO THE CITY FOR A PERMIT TO INSTALL THE CARPORT, AND NEVER RECEIVED A REPLY. (PLANS ATTACHED), APPLICATION AND REVIEW PAYMENTS WERE PAID TO THE CITY. CITY SAID PLANS WERE LOST.

WHEN I PURCHASED THIS HORSE ZONED PROPERTY, MY REALTOR TOLD ME THE CITY OF SCOTTSDALE REQUIRED A SHELTER FOR ALL HORSES CARED FOR ON MY PROPERTY. IN FULLFILLING THAT CARE OF ANY HORSES REQUIREMENT; I INCLUDED THE BUILDING OF THE CARPORT IN QUESTION.

THE CARPORT AND ANIMAL COVERAGE IS LOCATED FORTY (40) FEET EAST OF SCOTTSDALE ROAD, WHICH IS MY UNDERSTANDING PROPER SETBACK.. THERE IS A BLOCK WALL AND MANY MATURE TREES COVERING THE CARPORT. (SEE ATTACHED PICTURES)

PAGE #2

THE CARPORT IS CONSTRUCTED OUT OF STEEL AND METAL, WITH A METAL ROOF. THE LENGTH IS 48 FT., 18FT. WIDE & 16FT. TALL. I AM REQUESTING A VARIANCE FOR THIS CARPORT. I USE THE CARPORT FOR THE STORAGE OF MY MOTORHOME AND OCCASIONALLY MY COLLECTOR CARS

IN MY RETIREMENT YEARS, I DONATE MY TIME TO VETERANS REQUIRING MY EXPERTISE IN MOTORHOME REPAIR AND PROBLEM SOLVING, IN MAINTAINING THEIR MOTORHOMES AT NO CHARGE TO MY FELLOW VETERANS. THIS CARPORT ALLOWS ME TO PARK A MOTORMOME, ONE AT A TIME TO DIAGNOSE VARIOUS PROBLEMS. I DO NOT WORK ON THE MOTORHOMES IN THE CARPORT, JUST GIVE MAINTENANCE ADVISE AND EXTERIOR CLEANING, AT NO CHARGE. I BELONG TO A NATIONAL CAR AND MOTORHOME COLLECTORS CLUB.

REGARDING MY NEIGHBORS, I LIVE ON THE CORNER OF SWEETWATER AVENUE AND SCOTTSDALE ROAD. THE SOUTH WEST AND SOUTH EAST PROPERTY ACROSS THE STREET FROM MY PROPERTY IS ZONED COMMERCIAL, (JEWISH RECREATION CENTERS). MY SIMPLE CARPORT DOES NOT IMPACT THE NEIGHORHOOD AS THE ATTACHED PICTURES SHOWS.

I APOLOGIZE FOR ANY MISUNDERSTANDING CAUSED BY THE UNPERMITTED INSTALL OF THIS CARPORT AND I AM WILLING TO FILE ANY SUBSEQUENT DOCUMENTS REQUIRED TO MAKE THIS CARPORT IN COMPLIANCE WITH THE CITY OF SCOTTDSALE.

SINCERELY,  
DAVID BRATCHER

# Board of Adjustment

## Zoning Variance Project Narrative



This document will be uploaded to a Case Fact Sheet on the City's web site

The Board of Adjustment may not authorize a zoning ordinance variance unless four (4) members affirm that ALL of the following criteria are met. Please provide justification to the four (4) criteria set forth in Section 1.804 of the Zoning Ordinance; you may attach a separate sheet if you need more room.

Type of variance requested, section(s) of the Zoning Ordinance to be varied:

ZONING ORDINANCE TO BE VARIED IS: 1.804

CARPORT NEXT TO GARAGE,

1. That because of special circumstances applicable to the property including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district:

CARPORT DOESNOT INTERFERE WITH TRAFFIC  
SIGHT, MOVEMENT, AND IS COVERED BY FENCE  
AND TREES.  
SEE ATTACHED PICTURES.

2. That the authorization of the variance is necessary for the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district, and does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located:

SEVERAL PROPERTIES IN THE SURROUNDING  
STREET ALL HAVE CONSTRUCTED CARPORTS

3. That the special circumstances applicable to the property were not self-imposed or created by the owner or applicant:

THE CARPORT WAS CONTRUCTED BY  
A LICENCED CONTRACTOR WITHOUT  
A PERMIT AUTHORIZED BY MYSELF.  
IF PERMIT IS REQUIRED, I WILL GLADLY  
SUBMIT ALL REQUIRED APPLICATIONS

4. That authorization of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general:

THIS CARPORT DOESNOT INTERFERE WITH  
PERSON WORKING AND RESIDING IN THE  
VICINITY.

### Planning and Development Services

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov)





Context Aerial

13-BA-2020

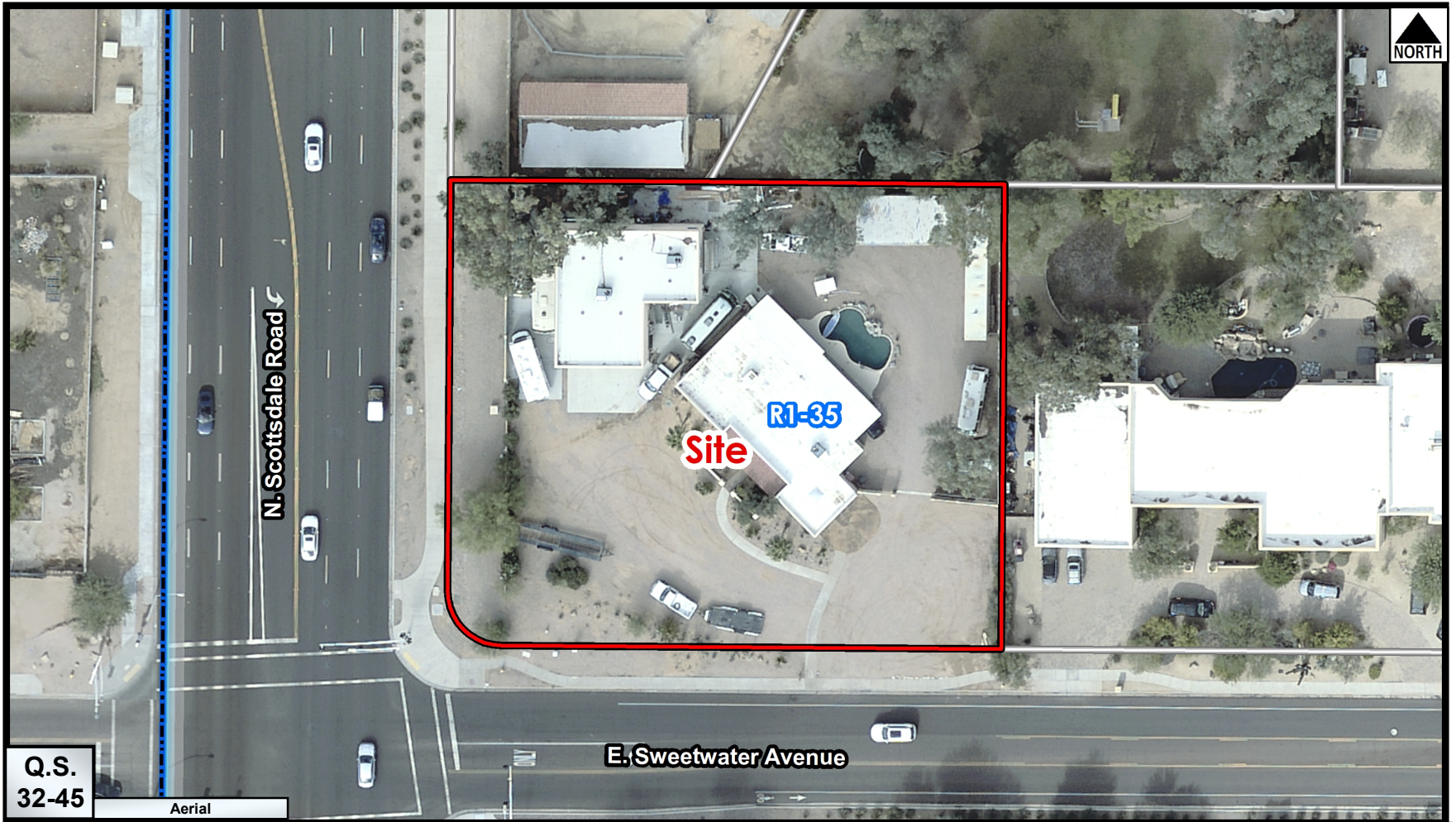




Close-up Aerial

13-BA-2020





Zoning Aerial

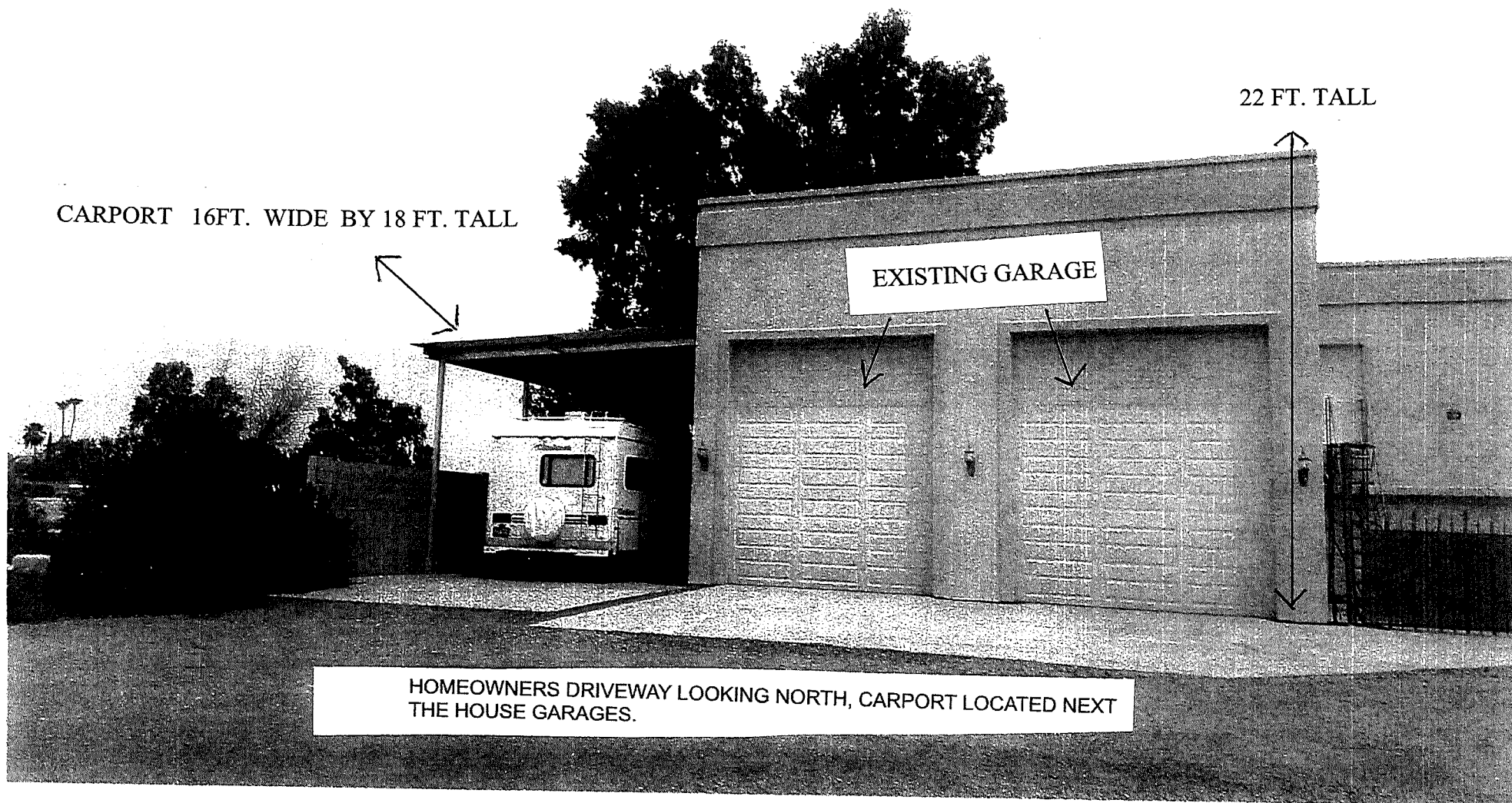
13-BA-2020



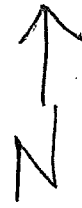


8/4/2020

20200802\_105811.jpg

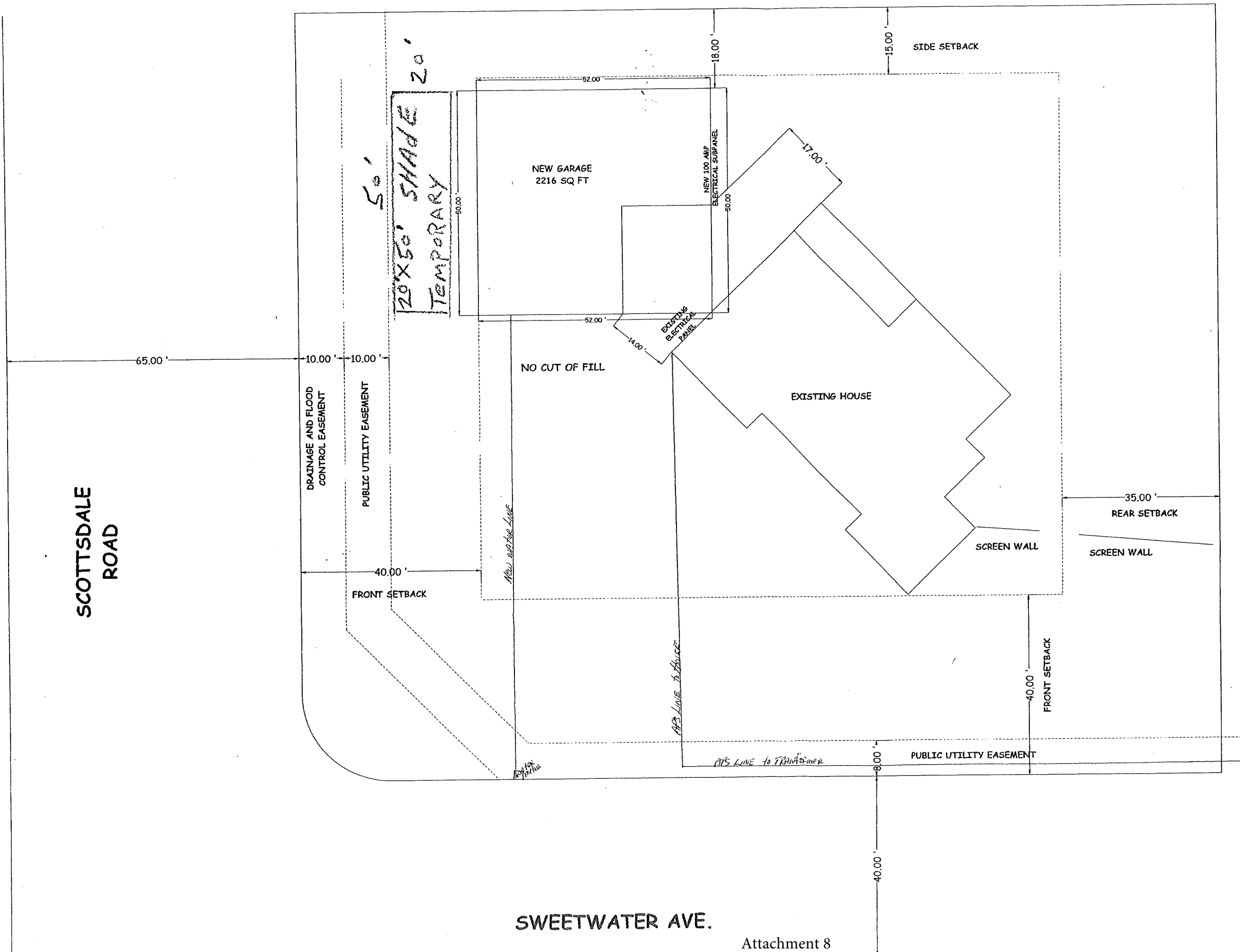


BRATCHER  
7220 E. SWEETWATER AVE



SWEETWATER AVE

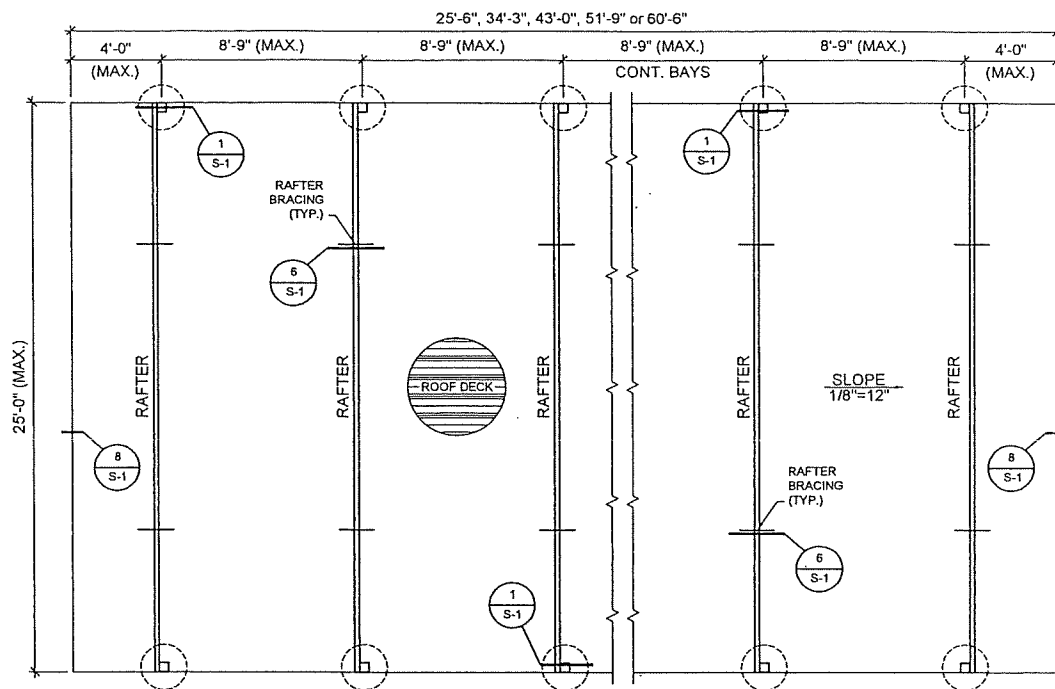
airport  
location



**SITE PLAN**  
SCALE: 1"=10'-0"



REVISIONS	
<b>EDENS CONTRACTING</b> 1714 E. Cavalry Rd. New River, Az. 85087 Office 623-465-2929	
<b>DETACHED GARAGE FOR THE BRATCHER RESIDENCE</b> 7220 E. SWEETWATER AVE SCOTTDALE AZ.	
DRAWN: M.S. DATE: 11/08/2013 SCALE: 1" = 10'-0" JOB:	
SHEET <div style="font-size: 2em; font-weight: bold; text-align: center;">1</div>	
OF 8 SHEETS	



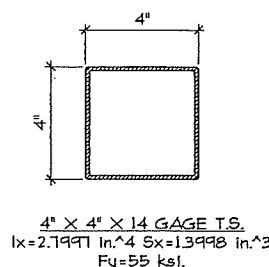
FOUNDATION & FRAMING PLAN

SCALE: 1/4" = 1'-0"

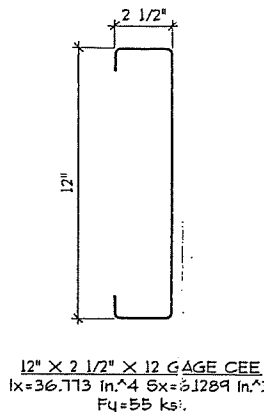
BASE PLATE SOLD SEPARATELY

BOLTS NOT SUPPLIED

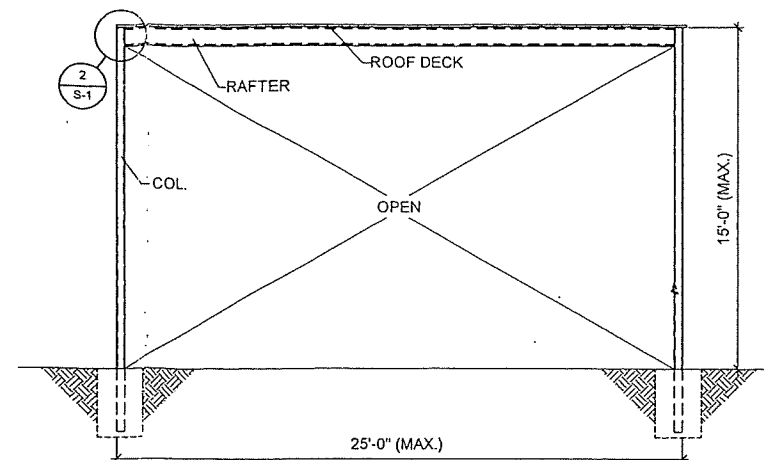
NOTE: STRUCTURE SHALL NOT BE MODIFIED OR ALTERED WITHOUT WRITTEN PERMISSION FROM WESTERN STATES DECKING. STRUCTURAL CALCULATION REQUIRED FOR ANY MODIFICATION.



COLUMN

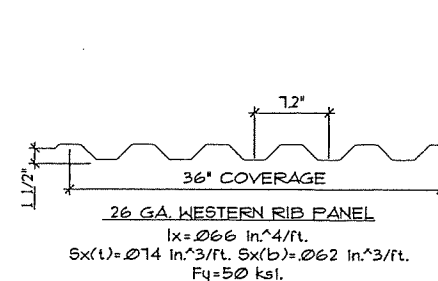


RAFTER



ELEVATION

SCALE: 1/4" = 1'-0"



DECK PROFILE

# GENERAL STRUCTURAL NOTES

## 1 CODE:

2012 International Building Code  
2007 American Iron and Steel Institute Handbook of Cold-Formed Steel Design  
w/ 2010 Supplement.

## 2 Loads:

Roof Live Load = 20 PSF (snow)  
Wind Load Basis = 115 MPH, Exposure 'C'  
Occupancy Category = II, Seismic Design Category = D

## 3 Foundations:

Allowable soil bearing value is 1500 PSF at 24" below finish grade or existing natural grade, whichever is the lower elevation. Round or square caisson footing embedment depths for footings do not apply to locations where walls of the hole will not stand without supplemental support, or where UNCOMPACTED fill of organic fill material exists. Design lateral soil pressure per IBC Table 18-I-A for Class 5 soils.

## 4 Concrete:

All concrete herein required shall be done in accordance with ACI Standard 301-05, "Specifications for Structural Concrete for Buildings", which is hereby made a part of these documents, with the following modifications:

Para 2.1.2 Cement shall comply with ASTM C150, Type II, and shall contain no flyash.  
Para 3.2 F<sub>c</sub> shall be 2,500 PSI minimum for all concrete at 28 days.  
Para 4.1.3 The use of earth cuts for forms is permitted.  
Para 5.2 Reinforcing shall be new billeted steel complying with ASTM A615, Grade 40.

## 5 Structural Steel:

All structural steel shall be ASTM A36 (F<sub>y</sub>=36,000 PSI) or ASTM A 572 GRADE 50 (F<sub>y</sub>=50,000PSI); All pipe shall be ASTM A 501 (F<sub>y</sub>= 36,000 PSI) or ASTM A53, Type 'E' or 'S' grade "B" (F<sub>y</sub>= 36,000 PSI). All tubular steel shall be ASTM A500 (F<sub>y</sub>=46,000 PSI). All bolts shall be ASTM A307. Latest AISC and AWS codes apply. All construction per latest AISC handbook. All expansion bolts to have current I.C.C. approval. All welding by welders holding valid certificates and having current experience in type of weld shown on the drawings or notes. Certificates shall be those issued by and accepted testing agency. All welding by E70 series low hydrogen rods. (Use ASTM A706 - grade 40 reinforcing bars). All welding per American Welding Society Standards.

## 6 Drawing sealing requirement

These drawings are to be wet sealed by the engineer. All copies shall bear wet seals. If a copy of this drawing is disturbed without the proper wet seal the drawing is considered invalid. The duplication or copying of this drawing could mean the original drawing has been modified from its original content. All liability is removed from the below wet sealed. All wet sealed drawings are signed in blue ink and are accompanied with a red ink "VALID ONLY WHEN WET SEALED" stamp.

## 7 Steel Roof Decking:

Steel roof deck shall conform to the specifications of the steel deck institute. F<sub>y</sub> = 80 KSI.

Connections to framing members shall be not less than noted below:

- To all transverse supports six (6) #12-14 TEXS screws per sheet.
- Panel seams use #14 - 7/8" TEXS @ 18" o.c.
- Panel to run continuous over minimum two spans
- Minimum spacing of screws shall not be less than 3 diameters.
- The head of the screw or washer shall have a diameter, dw of not less than 5/16" washers shall be at least 0.05 "thick"

All screws shall conform to SAE J78 provisions of structural screws.

## 8 Light Gauge Structural Steel Framing:

All structural steel framing material and its erection shall be in accordance with the latest edition of the American Iron and Steel Institute "Specifications for the Design of Cold Formed Steel Structural Members".

All welding to be prepared by welders holding a valid certificate and having current experience in light gauge steel. Certificates shall be issued by an accepted testing agency. Do not drill or notch members without prior approval of the structural engineer. All welding to be performed in an approved fabricators shop.

Structural steel members are furnished to a specified minimum yield point of 55 KSI. The grade and the ASTM specification number or other specification designation shall be indicated by painting, decal, tagging or other suitable means on each lift or bundle of fabricated elements.

Gage No.	12	14	16	18	20	22	24	26	29	30
Design Thickness, Inches	0.1046	0.0747	0.0598	0.0478	0.0359	0.0299	0.0239	0.0179	0.0135	0.0120

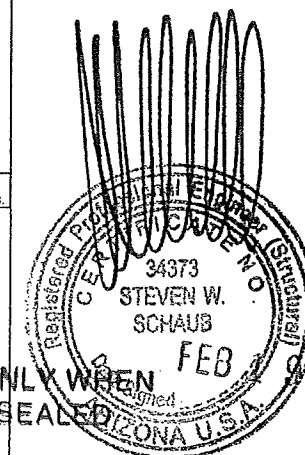
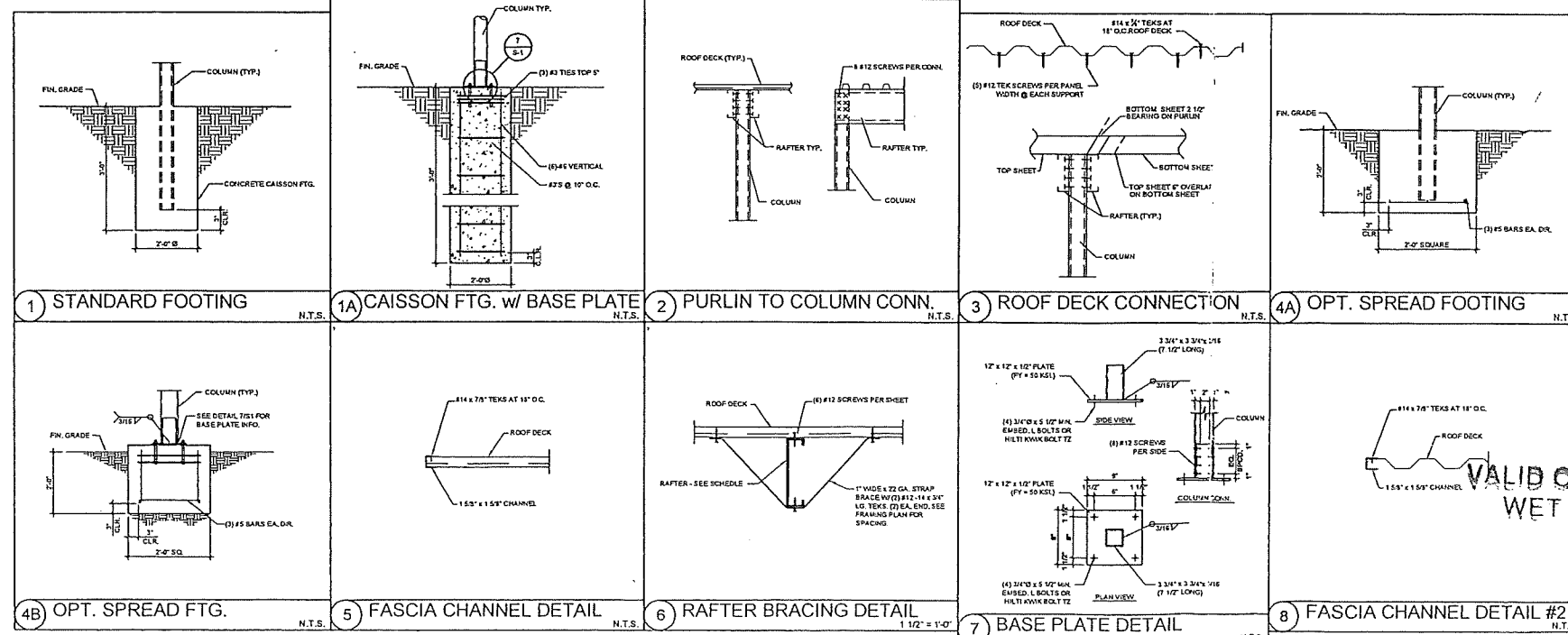
## 9 Contractor:

The contractor must submit in writing any requests for modifications to the plans and specifications and no structural changes from the approved plans shall be made in the field, unless prior to making changes, written approval is obtained from the engineer. Shop drawings submitted the engineer for review do not constitute "in writing" unless it is noted that specific changes are being requested. If changes are made without written approval, such changes shall be the legal and financial responsibility of the contractor or sub-contractors involved and it shall be their responsibility to replace or repair the condition as directed by the engineer.

Contractor shall provide all temporary bracing, shoring, guying or other means to avoid excessive stresses and to hold structural elements in place during erection. The provisions shall remain in position until sufficient permanent members are erected to insure the safety of the partially erected structures. The contract structural drawings and specifications represent the finished structure. Observation visits to the site by the structural engineer shall not include inspection of the above items.

The above notes and specifications shall meet or exceed all state and local code requirements before erection.

The undersigned engineer will not supervise the fabrication or erection of this structure.



**S. E. CONSULTANTS, Inc.**  
Structural Engineering Consultants  
5800 East Thomas Road, Suite 104  
Scottsdale, AZ 85251  
Phone: (480) 946-2010  
Fax: (480) 946-1909

**WESTERN STATES DECKING, INC.**  
25'-0"(W) MAX. x 8'-9" MAX. CONT. BAYS x 15'-0" MAX. HEIGHT  
RV CANOPY  
20 PSF(SNOW), 115 MPH, SEISMIC DESIGN CAT. 'D'  
ARIZONA STANDARD

PLAN VIEWS & ELEVATIONS  
DETAILS & PROFILES

design gcs  
draw JMC  
check SWS  
date 08/08/13

SHEET  
S-1  
of 1  
Job 1107-13

**From:** [Kathy Clevenger](#)  
**To:** [Castro, Lorraine](#)  
**Subject:** RE: Bratcher Temporary shade 13-BA-2020  
**Date:** Monday, October 12, 2020 11:29:28 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

---

**External Email: Please use caution if opening links or attachments!**

Ms. Castro:

Thank you. This e-mail did indeed answer my questions. I do not have any issues with his request.

Kathy Clevenger-Burdell  
[kathycb@cox.net](mailto:kathycb@cox.net)

---

**From:** Castro, Lorraine [<mailto:Lcastro@scottsdaleaz.gov>]  
**Sent:** Monday, October 12, 2020 10:53 AM  
**To:** [kathycb@cox.net](mailto:kathycb@cox.net)  
**Cc:** Mayo, Desirae  
**Subject:** Bratcher Temporary shade 13-BA-2020

Hi Kathy,

Below is the link to the applicant's submittal of what they are proposing.

<https://eservices.scottsdaleaz.gov/bldgresources/Cases/Details/51262>

I hope this helps.

Thank you,

*Lorraine Castro*

**Planning Specialist**  
**City of Scottsdale**  
Planning and Development Services  
[Lcastro@ScottsdaleAZ.gov](mailto:Lcastro@ScottsdaleAZ.gov)  
480-312-7620

Get informed!

Subscribe to [Scottsdale P & Z](#) Link newsletter

